



# **EMPLOYEE HANDBOOK ARBY'S HOURLY**

# **Table of Contents:**

## **I. INTRODUCTION**

- Letter from Don Moore, CEO and Owner .....3
- Arby's/Miracle Restaurant Group's History ..... 4
- Unit Team Information .....4
- Vision, Mission, Values, and Introduction to Employee Handbook .....5
- Training and Development ..... 6

## **II. POLICIES**

- 1. EMPLOYMENT AT WILL .....6.
- 2. EQUAL EMPLOYMENT OPPORTUNITY .....66
- 3. ANTI-HARASSMENT AND ANTI-DISCRIMINATION .....7
- 4. ATTENDANCE, PUNCTUALITY, AND DEPENDABILITY .....9
- 5. UNIFORM STANDARDS ..... 10
- 6. DATING AND FRATERNIZATION ..... 11
- 7. E-MAIL AND INTERNET USAGE .....11
- 8. EMPLOYER INFORMATION AND PROPERTY ..... 12
- 9. RESTAURANT CLEAN AIR POLICY ..... 12
- 10. INVOLUNTARY TERMINATIONS ..... 12
- 11. MANAGERIAL DRUG AND ALCOHOL TESTING ..... 13
- 12. EMPLOYMENT OF RELATIVES ..... 14
- 13. OPEN DOOR POLICY ..... 14
- 14. PROGRESSIVE DISCIPLINE ..... 15
- 15. PERSONAL LEAVE ..... 16
- 16. HOURLY VACATION ..... 16
- 17. RESTAURANT WORK SCHEDULE ..... 17
- 18. EMPLOYEE MEALS AND BREAKS ..... 17
- 19. CLOCKING IN AND OUT ..... 18
- 20. AMERICANS WITH DISABILITIES ACT ..... 18
- 21. FMLA POLICY ..... 19
- 22. MILITARY LEAVE POLICY ..... 19
- 23. CONFLICT OF INTEREST ..... 19
- 24. HOURLY COMPENSATION AND APPRAISALS ..... 20
- 25. PAYMENT OF WAGES ..... 20
- 26. OVERTIME COMPENSATION ..... 21
- 27. GARNISHMENTS ..... **Error! Bookmark not defined.**
- 28. PROMOTIONS ..... 21
- 29. SECURITY PROCEDURES ..... 22
- 30. SAFETY & HEALTH PROCEDURES ..... 22
- 31. THEFT ..... 23
- 32. VIDEO SURVEILLANCE OF RESTAURANT ..... 23
- 33. WEAPONS POLICY ..... 23
- 34. CELLPHONE POLICY/UNIT PHONES ..... 23
- 35. HOLIDAYS ..... 24
- 36. CASH POLICY ..... 24
- **Handbook Acknowledgement Form**

Dear Team Members,

You have joined a team of select individuals who are committed to becoming the fast food restaurant of choice for our guests by first becoming the fast food employer of choice for our employees. Our business purpose is simple: "To Sow Seeds of Opportunity to our Employees, and to share the blessings of hospitality to our Guests and Communities in which we do business in."

Our decisions and actions in pursuit of our goal are guided by our Mission, Vision, and Values. These goals serve as the foundation for our growth as a concept, as a company and as individuals. Miracle Restaurant Group is made up of a group of uncommon people--people who strive to be 100% present in Mind, Body, and Spirit. People who look to serve others without expectations or recognition or reward for themselves.

We strive to motivate our people, hold the highest integrity, deliver exceptional operational results, take accountability, celebrate success, and provide leadership to help our team prosper and grow.

Please take the time to familiarize yourself with the policies and procedures of MRG, Inc.

Information is found in many forms throughout our company, so while this Handbook covers many topics, it is in no way considered to be your only source for policies and procedures of our Company.

Information, policies, and procedures are also found in the Arby's Operations Standards Manual (OSM), your training workbooks, store postings, seminars and meetings, and many other sources.

Please read the Handbook and do not be afraid to ask questions! These policies were written with you in mind. Our goal is to provide a safe and fun environment for our employees and guests.

Once again, I welcome you to the MRG family and hope you find your contribution to our success to be rewarding and one that you will always remember with a smile.

Donald Moore,  
President and CEO  
Miracle Restaurant Group, LLC



TM

Arby's/Miracle Restaurant Group's History

The first Arby's Restaurant was opened on July 23, 1964 in Boardman, Ohio by two brothers named Forrest and Leroy Raffel. The company name comes from the initials of the "Raffel Brothers:" R and B, or "Arby!"

At the first Arby's restaurants, you could order a Roast Beef Sandwich, potato chips, and soft drinks. Over the years, the menu has greatly evolved. Now we offer a wide variety of products, including the Market Fresh Line, specialty salads, appetizers, desserts, and of course, potato cakes and Jamocha Shakes!

In 1999, Arby's celebrated 35 years in the quick service industry. There are now over 3000 Arby's Restaurants in the U.S. and around the world!

In 2005, Don Moore and a group of investors purchased 45 Arby's restaurants from Chi-Co Inc. LLC to create **Miracle Restaurant Group.** In early 2007, Miracle Restaurant Group entered into an agreement with Dunkin Donuts Inc. to become a Franchisee in Indianapolis with a commitment to open at least 25 Dunkin Donuts restaurants. In August of 2007, Miracle Restaurant Group purchased 12 Arby's restaurants from Speciality Foods. Today Miracle Restaurant Group operates over 60 restaurants in 6 different states (IL,IN,TX,CO,LA,and MS).

Unit Team Information

Your Unit # \_\_\_\_\_ Your Unit Phone # \_\_\_\_\_

Your General Manager's Name and Phone \_\_\_\_\_ # \_\_\_\_\_

Your Shift Managers' Names and Phones

\_\_\_\_\_ # \_\_\_\_\_  
\_\_\_\_\_ # \_\_\_\_\_  
\_\_\_\_\_ # \_\_\_\_\_

Operations Area & Region Information

Your Region Name \_\_\_\_\_

Your Area Name \_\_\_\_\_

Your Area Supervisor/Director's Name and Phone \_\_\_\_\_ # \_\_\_\_\_

Your Regional Director of Operation's Name and Phone \_\_\_\_\_ # \_\_\_\_\_

Your Director Of Human Resources Name and Phone \_\_\_\_\_ # \_\_\_\_\_

Miracle's 1-800 Employee Hotline \_\_\_\_\_

### **MRG Vision 2005**

To become the pre-eminent franchisee of Arby's and Dunkin Donuts.

### **MRG Mission Statement**

To become the fast food restaurant of choice for our guests, by first becoming the fast food employer of choice for our employees. To benefit both by sharing the blessings we receive by always remembering to give back to the communities that we do business in.

### **MRG Core Values**

**Motivate:** We will develop and motivate our employees by holding each other accountable and responsible to help those who want to grow and prosper

**Integrity:** Through our words and actions establish trust and trustworthiness--in ourselves first, then in our teams and our company

**Results:** We will continuously establish and achieve measurable, challenging goals, while always holding true to our Vision, Mission, and Values. We will always strive to improve regardless of our current results

**Accountability:** We will take accountability and responsibility for our actions. We will talk in the "I" and not in the "You"

**Celebrate:** An environment that recognizes and rewards cooperation and collaboration for the good of the team, its members, and the company

**Leadership:** Continuously provide direction for yourself and your team by taking measured risks, making mistakes, allowing mistakes, and learning from them. Think cutting edge, focused on adding value

**Enthusiasm:** We will strive to be 100% present in mind, body, and spirit. We will look to serve others without expectations of recognition or reward for ourselves

### **Introduction to MRG's Employee Handbook**

This Handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all of the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning any of the policies or practices described herein, you should address your specific questions to your General Manager, Area Director or the Director of Operations.

Neither this Handbook nor any other MRG document confers any contractual right, either express or implied, to remain in MRG's employment. Nor does it guarantee any fixed terms and conditions of your employment. Your employment with MRG is "at will," which means either you or MRG can terminate your employment at any time, with or without cause. Your "at will " status cannot be modified except in writing signed by the Director of Human Resources.

The procedures, practices, policies, and benefits described herein may be modified or discontinued from time to time, without prior notice. We will inform you of any modifications as soon as practicable after they occur.

## **Training and Development:**

There are several MRG Training Programs designed to aid in your career development:

### **Team Member Training Program (TMTP)**

Every Hourly Team Member begins the TMTP Workbook on their first day of employment. The TMTP Workbook contains important information on Arby's specs and procedures that you will need to know to perform your everyday job responsibilities. Every new employee starts as a Team Member Trainee. Over the next 90 days you will be taught the responsibilities necessary to become a Team member. You will receive a .10 cent raise when promoted. After six consecutive months of service and your successful completion of all modules of the TMTP, you will be promoted to a Senior Team Member and receive a .15 cent raise (must meet certain criteria). You should then start to focus on your Shift Manager Training by going through our Shift Manager Training Program (SMTP).

### **Shift Manager Training Program (SMTP)**

As a Shift Manger, you will have the added responsibility of **assisting the management team** in day to day restaurant operations. To be eligible for a Shift Manager position, you must have successfully completed and shown proficiency in all phases of Arby's/MRG's training program (s) and you must be able to open and close your restaurant properly without direct supervision. Upon being promoted to Shift Manager, you will be evaluated by your Management Team and become eligible for an increase in your hourly wage based upon your overall performance.

## **POLICIES**

### **1. EMPLOYMENT AT WILL:**

POLICY:

MRG employees are at will employees. MRG's employment relationships are terminable at any time at the discretion of the employer or an individual worker.

PROCEDURE:

- A. Any worker whose employment is not governed by the terms of a written contract with MRG is considered to be an "at will" employee. The employment of such workers may end at any time at the discretion of either the employer or the employee.
- B. Actions or comments of company personnel cannot modify the "at will" status of any employee.

### **2. EQUAL EMPLOYMENT OPPORTUNITY:**

MRG maintains a policy of nondiscrimination regarding all employees and applicants for employment. MRG handles all aspects of employment with MRG on the basis of merit, competence, and qualifications. Employment decisions are not influenced in any manner by race, color, age, gender, national origin, disability, pregnancy status, veteran status, religion, sexual orientation, marital status, and/or other status protected by law.

### **3. ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY:**

MRG is committed to a work environment in which all individuals are treated with respect and dignity. MRG believes every employee has the right to work in a professional atmosphere that promotes equal employment opportunities and that is free of unlawful discrimination, including unlawful harassment and retaliation. MRG expects that all relationships in the workplace will be business-like and free of bias, prejudice, harassment, and retaliation.

#### Legal Definitions of Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. As defined by the Equal Employment Opportunity Commission (EEOC) Guidelines, sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Note, however, that MRG's policies focus on employee behavior and prohibit behavior that may not qualify as sexual harassment as defined by the EEOC or by law.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, catcalls, or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal, or visual conduct of a sexual nature. Sex-based harassment, that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex. Again, however, MRG's policies focus on employee behavior and prohibit behavior that may not qualify as sexual harassment as defined by the EEOC or by law.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that disparages or shows hostility or aversion toward an individual because of his/her race, color, age, gender, national origin, disability, pregnancy status, veteran status, religion, sexual orientation, marital status, or any other status protected by law or that of his/her relatives, friends, or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: slurs, or negative stereotyping; threatening, intimidating, or hostile acts; degrading jokes and display or circulation in the workplace of written or graphic material that disparages or shows hostility or aversion toward an individual or group (including through e-mail).

### Individuals and Conduct Covered

These policies apply to all applicants and employees, and prohibit harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to MRG (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

### Retaliation Is Prohibited

MRG prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

### Complaint Procedure: Reporting an Incident of Harassment, Discrimination or Retaliation

MRG uses a third party administrator to handle both internal and external complaints. The toll free number can be found on the "Back of House" Employee Communication Board. MRG strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced or witnessed conduct that they believe is contrary to MRG's policy or who have concerns about such matters should file their complaints with their immediate supervisor or the Human Resources Department immediately. Individuals should not feel obligated to file their complaints with their immediate supervisor first if they are uncomfortable doing so. All employees have the ability to either call Human Resources directly or use the toll free number to notify MRG's Third Party Administrator. MRG also refers employees to its mandatory Dispute Resolution Procedure.

**IMPORTANT NOTICE TO ALL EMPLOYEES:** Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, MRG strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. MRG will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.



#### **4. ATTENDANCE, PUNCTUALITY, AND DEPENDABILITY**

##### POLICY:

Because MRG depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential to the success of MRG and its employees.

##### PROCEDURE:

- A. Consistent attendance and punctuality are required in the Company's business operation, and therefore an integral part of each employee's performance. Poor, uncertain, or irregular attendance produces disruptive results for the Company operations, lowers overall productivity, and is a burden to other employees. Excessive absenteeism which renders an employee insufficiently available for work will be evaluated on a case-by-case basis to determine the merits of correctional retention or termination.
- B. Employees are expected and required to report to their workplace at the prescribed time and manner in which work activity is to commence. Tardiness, unexcused absence, or failure to report as required may result in disciplinary action up to and including termination.
- C. An employee must notify his/her supervisor as far in advance as possible, but not later than three hours before his/her scheduled starting time if he/she expects to be late or absent.
- D. The Company shall regard an employee's job abandoned and the employee terminated when the employee is absent from work without official leave approval from supervisory personnel for two or more days, unless the employee can provide the Company with an acceptable and verifiable explanation. Employees who are absent without notice or authorization for less than two days, and who subsequently report to work, may be subject to disciplinary action up to and including termination of employment.
- E. Employees are expected to notify his/her supervisor themselves, unless there is an emergency that prevents him/her from doing so. The employee is required to speak directly with a Manager or the General Manager. Calling in to a Team Member will be considered unexcused.
- F. Employees are required to take all possible measures to cover his/her shift. To ensure that your absence is excused, employees may be required to provide a doctor's excuse or other documentation to return to work.
- G. In the case of an emergency, which affects business operations, employees may be required to work unusual schedules. For reasons of potential emergency situations, all employees must keep the workplace and their supervisor advised of a current address, phone number, and person to contact in case of emergency.

## **5. UNIFORM STANDARDS:**

### **POLICY:**

Proper personal hygiene and appearance demonstrate professionalism and pride to customers and are a key factor in providing the ultimate in dining experiences. Employees failing to do so may be subject to disciplinary action up to and including suspension pending investigation.

The following dress and appearance requirements apply to the employees indicated:

### **Team Members:**

Provided Arby's uniform shirt (clean and pressed)

Black casual dress pants or black jeans (no rips or fading)

Belt

Arby's nametag with label tape (no hand-written names)

Proper undergarments

Dark socks and black polishable, non-skid shoes

Arby's hat or visor

No beards or goatees; Clean shaven, mustache can't be below upper lip

No noticeable skin abrasions

Sideburns must be trimmed to the earlobe

No artificial fingernails. No nail polish if handling food. Chipped polish must be removed

Uniform shirts and hats should not be worn outside of the restaurant except on the way directly to and from work

No excessive tattoos or facial/ear piercings- existing tattoos should be covered and piercings should be removed or covered while on duty. Only post earrings are permitted to be worn while on duty

Gum or tobacco chewing is not permitted while on duty

Dyeing the hair in extreme colors is not permitted

No excessive jewelry

### **Management (Men)**

Professional dress shirt (clean and pressed) or Arby's logo polo shirt

Dark professional dress pants (no khakis)

Belt

Dark socks and dark polishable, non-skid shoes

Proper undergarments

No beards or goatees; Clean shaven, mustache can't be below upper lip

Sideburns must be trimmed to the earlobe

### **Management (Women)**

Professional dress shirt or blouse with pin or scarf at the neck or Arby's logo polo shirt

Professional dress pants or skirts (no khakis)

Belt

Hosiery with dark polishable, non-skid shoes

Proper undergarments.

No artificial fingernails. No nail polish if handling food. Chipped polish must be removed.

## **6. DATING AND FRATERNIZATION:**

### **POLICY:**

Consenting "romantic" or sexual relationships and fraternization between a supervisor/manager and an employee are strictly prohibited. Anyone in a supervisory capacity may not date or fraternize with a subordinate. These types of situations may lead to complications and significant difficulties for all concerned.

### **PROCEDURE:**

If a romantic or sexual relationship between a supervisor/manager and an employee should develop, then it shall be the responsibility and mandatory obligation of the supervisor/manager to promptly disclose the existence of the relationship to his/her supervisor. The employee involved may make a disclosure as well, but the burden of doing so shall be upon the supervisor/manager. Failing to do so may result in disciplinary action up to and including termination. MRG will then determine the appropriate next steps including possible disciplinary action such as oral or written warning, reprimand, reassignment, suspension pending investigation, or termination, as MRG believes appropriate under the circumstances.

## **7. E-MAIL AND INTERNET USAGE:**

### **POLICY:**

The purpose of this policy is to establish policies governing the use of all forms of the Company's electronic equipment and media.

### **PROCEDURE:**

This policy applies to all forms of communication and electronic media provided by MRG for use by its employees and the guests of its offices or restaurants, whether accessed on premise or remotely. These electronic equipment, media, and services are provided by the Company, and are considered proprietary property, with a purpose of facilitating legitimate company business. MRG has the ability, and reserves the right to, monitor each Website visit, chat, newsgroup, or e-mail message, and file transfer into and out of our internal networks. No employee should have any expectation of privacy as to his or her Internet/Intranet usage.

Electronic media may not be used for knowingly transmitting, retrieving or storing of any communications that:

- are discriminatory, harassing, and/or retaliatory in nature;
- are derogatory to any individual or group;
- are obscene or X-rated;
- are defamatory or threatening in nature;
- resemble "chain letters"; and/or
- represent any purpose that is illegal, against Company policy, or contrary to the best interest of the Company.

## **8. EMPLOYER INFORMATION AND PROPERTY:**

### **POLICY:**

The protection of MRG's business information, property and all other Company assets is vital to the interests and success of MRG.

### **PROCEDURE:**

Employees may not take, loan, donate, sell, damage, or use company assets for non-corporate purposes unless specifically authorized. Much of the information developed or held by MRG is confidential and must be protected from unauthorized disclosure. MRG and its employees are responsible for safeguarding such information in order to maintain our competitive advantage in the market. No MRG-related information or property, including, without limitation, documents, files, records, computer files, equipment, office supplies, or similar materials may therefore be removed from the Company's premises. In addition, when an employee leaves MRG, the employee must return to the Company all MRG-related information and property that the employee has in his/her possession, including personal computer or files on a computer disc, supplies, and/or equipment or office supplies.

## **9. RESTAURANT CLEAN AIR POLICY:**

### **POLICY:**

MRG shall provide a clean air environment for our employees, partners, and guests to promote a healthy, efficient, and effective work place. All smoking inside Company restaurants is prohibited.

### **PROCEDURE:**

All MRG restaurants are classified as "Non-Smoking". Management has the option of restricting hourly employees from smoking during their work shift as well. However, any employee that is in direct contact with our guests should not smoke on MRG premises during their shift. Back of House employees may be allowed to smoke in a designated area during a break. This area will be far removed from any food prep area or areas containing combustible items.

## **10. INVOLUNTARY TERMINATIONS:**

### **POLICY:**

The purpose of this policy is to define specific circumstances necessary for involuntary termination. All MRG employees are "at will" employees, which means the employment relationship may be terminated at any time by either party without a reason being given.

### **PROCEDURE:**

Employees who are involuntarily terminated will not be eligible for rehire without prior approval from the Director of Operations, Controller and Director of Human Resources.

Employees will receive their last paycheck for hours worked on the normally scheduled payday, unless they reside in a State that requires earlier provision of final wages. If the employee is involuntarily terminated, then the employee shall not be paid for their accrued but unused vacation time, unless such vacation time is required to be paid pursuant to state law.

All benefits end the last day the employee works with the exception of Health, Dental, Vision and Life Insurance, which will remain in effect until the last day of the month in which the eligible employee terminates. An exit interview may be conducted by the Director of Human Resources.

**11. MANAGERIAL DRUG AND ALCOHOL TESTING/Policy:**

**POLICY:**

Use, possession, sale, purchase or transfer of drugs or alcohol by employees or contractors while on the job or while on MRG property is prohibited and is subject to disciplinary action up to and including termination. Alcohol may be consumed at some MRG Company sponsored events with the approval of the CEO; however, MRG employees are personally responsible for their actions. MRG reserves the right to administer progressive discipline, up to and including termination, for inappropriate actions due to the consumption of alcohol during such events.

MRG has a vital interest in maintaining a safe, healthy, and efficient working environment for all its employees. Drug and alcohol abuse are regarded as serious social and economic problems. MRG reserves the right to test any and all employees for Drugs and Alcohol: Drug and alcohol tests will be administered under the following conditions:

**PROCEDURE:**

- A. When an employee behaves erratically, smells of alcohol/drugs, and/or shows signs of impairment on the job;
- B. When a manager is subject to complaints from employees and guests regarding drug and alcohol use;
- C. After any accident or occurrence that results in an injury on the job;
- D. After any vehicular accident while the manager is engaging in work for MRG and when it appears that the manager might reasonably have avoided the accident or minimized the consequences, but did not do so;
- E. At hiring time, when all management new hires will be required to pass a pre-employment drug-screening test as a condition of employment. NOTE: if an applicant fails a pre-employment drug-screening test, they cannot reapply for a management position for a minimum of 90 days;
- F. On a random basis at the discretion of management; and
- G. Under any other circumstances at MRG's discretion.

Employees who refuse to submit to a drug test will be Suspended pending termination.

## **12. EMPLOYMENT OF RELATIVES:**

### **POLICY:**

The purpose of this policy is to establish guidelines with respect to the employment and placement of relatives of employees. MRG wishes to avoid creating or perpetuating circumstances in which the possibility of favoritism, conflicts of interest, or impairment of efficient operations may occur. While relatives of employees may be hired, prior approval must be obtained by the Hiring Manager's direct Supervisor and the Director of Operations. **Relatives may never engage in a direct supervision relationship unless prior approval is obtained from the Director of Human Resources**

## **13. OPEN DOOR POLICY:**

### **POLICY:**

MRG promotes an atmosphere whereby employees can talk freely with members of the management staff. Employees are encouraged to openly discuss with their supervisor any problems so appropriate action may be taken. If the supervisor cannot be of assistance, Human Resources is available for consultation and guidance. MRG is interested in our employees' success and happiness with us. We, therefore, welcome the opportunity to help employees whenever feasible. MRG has established a toll free **1-800#** 24 hour hotline (number on Employee Information Board). Employees are encouraged to make use of it when needed.

### **PROCEDURE:**

MRG's open door policy encourages employees to reach all levels of management to voice any areas of concern. This can be done by calling our Employee Relations Hotline at 985-674-5840 x20, our 1-800 # 24 hour Hotline or through a letter sent to the attention of our Human Resources Department, if an employee does not feel comfortable going through the traditional chain of notice.

### **CHAIN OF Command:**

- A. **Supervisor:**  
It is often most effective to report our concerns to our immediate supervisor. Supervisors are directly responsible for providing their employees with the resources necessary to resolve problems or concerns. Employees should first approach your immediate supervisor with questions or concerns. If you do not get your issue resolved or are uncomfortable talking to your immediate supervisor you should feel free to go to the next level of management.
- B. **Area Director or Human Resources**  
In the event an issue is not handled to your satisfaction or you are not comfortable discussing it with your immediate supervisor, you can take the matter to the next level of management. Another effective channel for problem solving is Human Resources. Human Resources can be reached by calling 985-674-5840 x20.
- C. **Senior Executive:**  
If these steps do not resolve the issue, you can make arrangements to review the situation with a Senior Executive, if applicable.

#### **14. PROGRESSIVE DISCIPLINE:**

##### **POLICY:**

For circumstances that require disciplinary action, up to and including suspension or termination, MRG has established a Progressive Discipline Process. This process is designed to give employees an opportunity to improve their behavior or eliminate the need for progressively more serious action. Based on the seriousness of the offense, MRG reserves the right to administer, at any time, any step of the Progressive Discipline Policy it deems necessary.

##### **PROCEDURE:**

Employees who violate MRG policies and procedures will have disciplinary action taken against them. Disciplinary action may vary according to the severity of the violation.

##### Verbal "Oral" Warning

Verbal warnings may be issued to an employee for minor infractions of policies and procedures. These warnings are issued in the manner of an immediate corrective action. Verbal warnings are issued when the severity of the infraction does not warrant a written plan of corrective action. Verbal warnings may be documented.

##### Written Warning

A written warning is issued when the violation of policies and procedures is severe enough, in the supervisor's view, to warrant a written plan of corrective action. A written warning will also be issued for repeated violations of verbal warnings.

##### Suspension Pending Termination

The following violations will be deemed grounds for discharge and may result in the immediate suspension and investigation of an employee. If after investigation, the facts around such violation are sustained, termination of the employee may result.

- a) Verbal, psychological or physical abuse of a customer and/or other MRG employee.
- b) Reporting to work under the influence of, or consuming on the premises, any controlled substances, unprescribed drugs, alcohol or illegal drugs.
- c) Falsifying work reports and/or time cards.
- d) Falsifying employment data.
- e) Theft from MRG (or associated entity), co-workers, customers, and/or visitors.
- f) Possession of weapons on the premises.
- g) Smoking on the premises other than in designated smoking areas.
- h) Lying or falsely accusing a fellow employee.
- i) Excessive tardiness.
- j) Sleeping on the job.

- k) Unauthorized long-distance phone calls or personal use of company resources.
- l) Insubordination.
- m) Inappropriate conduct while on the premise.
- n) Not performing work or other job tasks as assigned by your supervisor.
- o) If permitted by applicable law, failure to pass a drug or alcohol test to the satisfaction of the management of MRG.
- p) Unexcused failure to report to work.
- q) Any other reason deemed appropriate for termination in the sole discretion of the management of MRG.

#### Suspension

MRG may suspend an employee without pay to allow time for the investigation of the charges against the employee, but is not required to do so. If such charges are not sustained the employee will be reinstated with wages paid for lost work time.

### **15. PERSONAL LEAVE:**

#### **POLICY:**

The purpose of this policy is to define the procedure under which an employee may receive an approved leave of absence (unpaid) for personal reasons not covered under any other type of company leave. Personal leave may be granted for a minimum period of seven (7) consecutive calendar days and a maximum period of 120 consecutive calendar days per occurrence from the date leave is requested.

#### **PROCEDURE:**

- A. To be eligible for Personal Leave, an employee must have been employed for ninety (90) days prior to the date the requested leave of absence is to begin. The employee should submit a Leave of Absence request to his/her supervisor at least thirty (30) days prior to the date the requested Personal Leave is to begin. Personal Leave requests will be reviewed on a case-by-case basis by your supervisor and submitted to the Corporate Office for processing. The decision to approve or disapprove will be based on the circumstances, the length of time requested, the employee's job performance, attendance and punctuality records, the reason for the leave, the affect the leave will have on the work place and the expectation that the employee will return to work when the leave expires

### **16. HOURLY SHIFT MANAGER VACATION PAY: (Enacted January 1, 2008)**

To qualify for hourly vacation pay, an employee must have attained the position of Shift Manager and been certified by his or her Area Director (They then will need to be recertified every quarter). They must work an average of 25 hours per week beginning on the employee's promotion date to Shift Manager.

All new Shift Managers will accrue vacation upon their promotion date. No vacation pay will be given for time off before.



Vacation pay is based on a minimum average work week of 25 hours for the year and is relative to the length of service as outlined below. Any earned vacation must be taken prior to the next anniversary of the employee otherwise, that vacation pay will have expired. A **Vacation Request Form** must be submitted by employee's General Manager, to payroll, at least 3 weeks in advance of requested vacation for verification and approval.

<u>Years of Service</u>	<u>Vacation Hours Earned</u>
1	24 hours
2	32 hours
3 plus years	40 hours

### **17. RESTAURANT WORK SCHEDULE:**

#### POLICY:

MRG will maintain work hours for its employees in accordance with Federal and State regulations, work load, customer service needs and the efficient management of human resources. Overtime will be defined as all hours worked over forty in a workweek except for those positions defined as exempt under the State and Federal law.

#### PROCEDURE:

- A. The restaurant work schedule should be posted on the Thursday prior to the week scheduled. All employees should be advised to check the schedule often, as last minute changes might occur. Schedule requests must be submitted in writing by the Monday one-week prior.
- B. Each hourly employee's work schedule and hours **will be based on the needs of the restaurant for which the employee works.** Communication with the General Manager will help to determine how many hours each employee will have to work each week. Employees should be aware that some scheduling may need to be changed without the usual notice.
- C. If the employee would like to request a particular day or night off, sufficient advance notice should be given to the General Manager/Manager. If a request is turned down and the employee fails to show up as scheduled, disciplinary action will be taken.
- E. All requests for employee reference information must be faxed or mailed to the Payroll Department.

### **18. EMPLOYEE MEALS AND BREAKS:**

#### POLICY:

MRG provides employees with meal and rest periods to allow them to maintain their performance levels. Employees should be aware of the Food Discount policy further detailed in the Policy Manual.

#### PROCEDURE:

- A. Break and meal periods shall be provided in compliance with any relevant State laws.

- B. Hourly Team Members and Office Staff receive a 50% meal discount on breaks, on, before or immediately following their scheduled shift. Hourly and Salaried Managers and above receive a free meal for each shift worked. Discounts are for MRG employees only, and are not to be applied to family or friends.
- C. When ordering food, all employees must go to the front register to place their order. Employees are not permitted to make their own food. Eating food without having it rung into the register may be considered theft and may result in disciplinary action up to and including termination.
- D. Soft drinks, coffee, tea and tap water are free to employees during their shifts. Employees must use their Employee cup to receive these beverages at no cost.
- E. All food and beverages must be consumed in the designated break area and never in a food preparation area or on the front line.

## **19. CLOCKING IN AND OUT:**

### POLICY:

MRG assures that employees are paid for all working time required by MRG.

### PROCEDURE:

- A. It is each employee's responsibility to clock themselves in and out. No hourly employee may clock in or out for another employee. Employees are to be "clocked in" and paid for any time spent working in or for the restaurant, including any business meetings or errands required by management.
- B. At no time is an employee to ever work unless clocked in. Employees may not work off the clock for anyone for any reason.
- C. Should an employee fail to clock-in or clock-out, the times should be adjusted by the Manager in the POS system. If it is too late in the pay cycle to enter those hours, they should be manually submitted by the manager in writing via fax or e-mail.

## **20. AMERICANS WITH DISABILITIES ACT:**

MRG is committed to complying with all applicable provisions of the ADA and applicable state laws. It is MRG's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy, MRG will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA and applicable state law, who has made MRG aware of his or her disability, provided that such accommodation does not constitute an undue hardship on MRG.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the General Manager of their restaurant and/or the Director of Human Resources. MRG will determine the feasibility of the requested accommodation as required by law.

**21. FMLA POLICY:**

POLICY:

To provide leave to "eligible" employees in accordance with Family and Medical Leave Act.

PROCEDURE:

Eligible employees are entitled to up to 12 weeks per year of unpaid leave for certain family and medical reasons. Employees are eligible if they have worked for MRG for at least 12 months and have worked 1,250 hours within those 12 months.

Leave will be granted for any of the following reasons: (1) to care for the employee's child after birth or placement for adoption or foster care; (2) to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or (3) for the employee's own serious health condition that makes the employee unable to perform his or her job. The 12-week period is determined on a rolling calendar year based on the start of the leave. In certain circumstances, leave may be granted on an intermittent or reduced schedule basis, as required by law.

The employee must provide 30 days' advance notice when the leave is foreseeable. Otherwise the employee must provide as much advance notice as is practicable. After the employee notifies his/her supervisor, the supervisor will complete a FMLA Request form. A copy will be provided to the employee. MRG may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions and a fitness for duty report to return to work.

For the duration of the leave, MRG will maintain the employee's health coverage under the company's group health plan as well as other paid benefits (although the employee will be expected to contribute the employee share of the premium during the leave). Upon return from leave, the employee will be restored to his or her original position or an equivalent position with equivalent pay, benefits, and other employment terms.

Employees must use any FMLA leave concurrently with accrued but unused vacation and/or **other** leave.

**22. MILITARY LEAVE POLICY:**

It is the policy of MRG to honor such re-employment rights as are required by the laws of the United States and or by state law.

**23. CONFLICT OF INTEREST:**

POLICY:

MRG expects its employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Company. Business dealings that appear to create a conflict between the interests of the Company and an employee are unacceptable. A violation of this policy will result in immediate and appropriate discipline, up to and including immediate termination.

PROCEDURE:

- A. Employees may engage in off-duty employment provided that the employment does not conflict with the employee's work schedule and/or duties and responsibilities; create a conflict of interest or incompatibility with MRG employment; create a detrimental effect upon the employee's work performance; or involve conducting business during hours of employment with MRG.
- B. Self-employment is considered off-duty employment and falls under the same conditions as other off-duty employment, with the addition of the restriction the employment does not involve ownership of a private business that is incompatible with an employee's position with MRG.
- C. Assistant Managers and above may not work for a direct competitor while working for MRG.

**24. HOURLY COMPENSATION AND APPRAISALS:**

POLICY:

MRG provides an opportunity for all hourly employees to have formal performance reviews on a regular basis. In addition, MRG provides a pay structure that is equitable and competitive with consistent application.

PROCEDURE:

- A. Every Hourly employee joins MRG as a Team Member in Training. Upon 90 days of successful performance, the employee will be promoted to Team Member and will receive a .10 cent raise. After 6 months of successful Performance and the completion of all TMTTP modules, the employee will be promoted to Senior Team Member and will receive an increase of .15 cents per hour. All other merit reviews will take place on or around the employee's anniversary date. Strong performance evaluations do not guarantee an hourly pay increase. In order to be eligible for a pay increase, the hourly employee must:
  - a. become proficient in their current job function;
  - b. take on new job tasks and become cross-trained in other areas;
  - c. be willing to take on more responsibility; and
  - d. have schedule flexibility.

**25. PAYMENT OF WAGES:**

POLICY:

MRG has defined certain payroll policies that it consistently follows.

PROCEDURE:

- A. All payroll checks must be picked up in person by the employee. Checks will not be given to family members or friends. Exceptions require Area Director approval.
- B. Payroll is computed on a bi-weekly basis.

- B. Salary information is confidential and not to be discussed.
- C. Paychecks may not be cashed in the restaurant.
- D. Overtime payment, which is included with the non-exempt employee's base salary payment, is also paid bi-weekly with such payment covering hours and overtime worked in the prior bi-weekly period.

## **26. OVERTIME COMPENSATION:**

### POLICY:

The purpose of this policy is to define the guidelines for calculations of overtime compensation to non-exempt employees. Depending on the Company work needs, employees will be required to work overtime when requested to do so.

### PROCEDURE:

- A. Prior approval of a supervisor is required before any non-exempt employee works overtime. Employees working overtime without approval will be subject to disciplinary action.
- B. Hourly, non-exempt employees who work overtime as defined by federal or state law will be paid an hourly rate of pay equal to one and one-half times their hourly rate.
- C. Time for which an employee is paid for holidays, vacation days, sick days, jury duty, or funeral leave will not be counted as hours worked for the purpose of overtime calculations.

## **27. GARNISHMENTS:**

### POLICY:

MRG has a responsibility to ensure that garnishments and court ordered involuntary assignments of wages are carried out according to federal and state guidelines.

### PROCEDURE:

- A. A garnishment is an order of the court to an employer (the garnishee) to withhold a sum of money from an employee's earnings for payment of a debt. Any garnishment order received at the restaurant must be immediately forwarded to the Corporate Office.

## **28. PROMOTIONS:**

### POLICY:

MRG provides employees an opportunity to be considered for higher-level positions and encourages employees to apply for those positions for which they qualify. In addition, MRG will often post corporate level jobs in order to offer qualified employees an opportunity to bid for certain positions.

## **29. SECURITY PROCEDURES:**

### **POLICY:**

Security procedures at MRG are strongly emphasized to provide the employees with a safe and secure working environment at all times.

### **PROCEDURE:**

- A. Never count or talk about money while there are still customers in the building. Keep money secured until the last customer has left and the doors are locked.
- B. All employees should circle the lot when arriving for work, noting anything suspicious and informing the General Manager/Manager.
- C. The back door is not to be used as an exit or entry by employees. It must be locked at all times except for the removal of trash and for deliveries. No removal of trash should take place after dusk. All delivery persons must check in through the front door first.
- D. Except in the case of an emergency, once the dining room doors are locked, no doors should ever be opened during an overnight shift (not for trash, smoking, fresh air, or any other reason).
- E. Lock the register if it is necessary to leave it unattended. Only the employee assigned to the cash register and the person in charge should have a key.
- F. Employees working evening hours should park where it is well lit.
- G. If employees are ever the victims of an armed robbery, then they are to offer no resistance whatsoever. They are to do as they are told and nothing else. The only exception might be to tell the robber if there is someone in the restroom or back room so the robber would not be surprised when they came out and take violent action.
- H. There should never to be less than two people in the restaurant after 5 p.m.
- I. Posted in each restaurant is a copy of the security procedures. These policies are to be followed at all times.

## **30. SAFETY & HEALTH PROCEDURES:**

### **POLICY:**

To identify the employer's safety and health rules and procedures designed to ensure that each job and area of the workplace is as free as possible from hazards. General Managers/Managers will have the primary responsibility for ensuring compliance with the organization's safety and health rules in their restaurants. To help them carry out these responsibilities, General Managers/Managers will receive special safety and health training. Employees who are aware of an unrecognized or poorly identified hazard or potential hazard in their jobs or the workplace are encouraged to report such hazards to their General Managers/Managers

### **31. THEFT:**

POLICY:

Stealing includes but is not limited to the following:

- A. Taking cash from the cash register, the safe, or fellow employees is stealing. Removing cash and/or property that belong to MRG in any other manner whatsoever is stealing.
- B. Eating or taking MRG products without paying for them with Employee Food Credit or cash is stealing.
- C. Giving unauthorized discounts to friends or relatives is considered stealing.
- D. Giving food or drinks to friends or relatives is stealing.
- E. Employee theft will not be tolerated. Employees caught stealing from MRG will be Suspended Pending Termination and may be prosecuted.
- F. Any employee witnessing employee theft should notify their immediate supervisor or their General Manager.

### **32. VIDEO SURVEILLANCE OF RESTAURANT:**

MRG reserves the right to conduct video surveillance in its restaurants and restaurant parking lots. Employees should be on noticed that they could be under video surveillance in the working areas of the restaurant, public areas of the restaurant, and/or restaurant parking lots. It is the responsibility of the General Manager and Area Director to view tapes on a periodic basis.

### **33. WEAPONS POLICY:**

POLICY:

To prohibit employees from bringing any weapons to the workplace or property, and to prohibit possession of concealed weapons in the performance of company related business. Employees may not possess, transfer, or use any weapon, whether legally licensed or not, either while working or during non-working times, on properties or businesses owned by, leased by or under the control of MRG

### **34. CELLPHONE POLICY/UNIT PHONES:**

POLICY:

Employees on duty may not use cell phones and pagers. Any cell phones or pagers brought into the unit or office by any employee of MRG must be placed on "vibrate" or "silent" modes. Calls should be received or returned only while on break, or after the shift. Abuse of the policy will result in disciplinary action up to and including Suspension Pending Termination. MRG is **not liable** for any personal property that is stolen or lost while working. Personal property should not be brought into the restaurant.

### **35. HOLIDAYS:**

#### POLICY:

There are no paid holidays for Hourly employees. Arby's Holiday Schedule is as follows (MRG reserves the right to amend dates below).

- Easter Day: Closed
- Thanksgiving Day: Closed
- Christmas Day: Closed

### **36. CASH POLICY:**

#### POLICY:

Managers are responsible for enforcing all Cash Policies. All Team Member Cash Policies also apply to the Management Team.

#### PROCEDURE:

- A. Employees must verify the total of their cash drawer with the Cash Manager at the beginning of the shift after clocking in. At the end of the shift, while on the clock, employees may observe the Cash Manager as he/she balances their drawer. Employees must sign the Daily Cash Sheet to verify the drawer amount.
- B. **Front Counter employee's are 100% responsible for their cash draws.** Employees should not allow anyone other than the Cash Manager on duty to have access to their cash drawer. Do not leave the cash drawer open at any time. Close it immediately upon making change. Employees must notify the Cash Manager immediately when they have a void or a return. Employees must sign the Void/Return form and the receipt. Cash may never be "borrowed" from the unit. **Credit Card Terminals are only be used for Arby's Business and never for Personal Business.** This is considered theft and possible fraud. Making deposits late, regardless of the reason, is considered theft. Anyone "borrowing" money or otherwise mishandling or misappropriating company funds or property will be suspended pending investigation.



# MRG Handbook Acknowledgement Form

I hereby acknowledge receipt of the Miracle Restaurant Group Employee Handbook. As part of that acknowledgement, I acknowledge the following:

- I have read/will read the employee manual
- MRG specifically covered its Equal Employment Opportunity and Anti-Harassment and Anti-Discrimination Policies with me and allowed me to ask any questions I had about those Policies
- I understand my rights and obligations under MRG's Equal Employment Opportunity, Anti-Harassment and Anti-Discrimination, and other policies
- I will abide by MRG's Equal Employment Opportunity, Anti-Harassment and Anti-Discrimination, and other policies
- My employment with MRG is "at will" at all times
- MRG may delete, alter, amend, or modify any policy in the employee manual at any time
- In the event of any alteration, amendment, or modification of the employee manual, I will read and abide by such alteration, amendment, or modification of the employee manual
- As of my signature below, I do not have any questions about the employee manual that I have not had an opportunity to ask
- If I have any future questions about the employee manual or my employment with MRG, I will direct such question(s) to the Director of Human Resources

My signature below indicates my acknowledgment of the above and my receipt of MRG's employee handbook.

\_\_\_\_\_  
*Employee's Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Employee's Name (typed or printed)*

\_\_\_\_\_  
*Supervisor's Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Supervisor's Name (typed or printed)*